THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 19th day of September,2007

W.P.No.21385 of 1998

Between:-

Bala Vigjnana Mandir English
Medium Aided High School,
Rajahmundry, rep. by its
Secretary and Correspondent
Sri M.V. Sarveswara Rao … Petitioner

and

The Government of A.P., rep. by its
Principal Secretary, Education Dept.,
Secretariat Buildings, Hyderabad
and others … Respondents

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ORAL ORDER:

This Writ Petition is field seeking a Mandamus declaring the action of the respondents in transferring the post of Telugu Pandit Grade II from the petitioner-School to another School on the ground of surplus in pursuance of the Proceedings in Rc.No.159/A-1/97, dated 15-7-1998 of the 3rd respondent as arbitrary, illegal and violative of principles of natural justice and consequently, to set aside the Proceedings dated 15.7.1998 issued by the 3rd respondent.

Petitioner is the Management of Bala Vigjnana Mandir English Medium Aided High School, Rajahmundry. According to the petitioner, the School was established in the year 1962 with Elementary Classes I to V. In the year 1970, it was upgraded as High School upto 10th Class. There are about 45 Sections and 2,300 students are studying in the School. About 45 aided teaching staff and 18 unaided teachers are working in the School. There is one post of Grade I Telugu Pandit and two posts of Grade II Telugu Pandit, which are admitted to grant-in-aid. Government has issued G.O.Ms.No.72, dated 20-2-1988 admitting 53 posts to grant-in-aid, which includes two posts of Grade-II Telugu Pandits. Grade II Telugu Pandits are existing and there is sufficient workload since 1985. No objection has been raised by the inspecting authorities at any point of time. Further, the strength of the School, as far as the High School sections i.e. VI to X

was concerned, it was 920 during the academic year 1989-90, whereas the strength of the students was increased to 1080 in the academic year 1997-98. The School requires one more post of Telugu Pandit Grade II in view of the increase in the students and sections. Government also issued certain guidelines, vide G.O.Ms.No.49, dated 26-2-1998 and the workload is 61 to 90 periods and so on. While that being so, the 3rd respondent issued the impugned Proceedings dated 15-7-1998 transferring one post of Grade II Telugu Pandit from the petitioner-school to R.C.M. Aided School, Rajahmundry in the guise of rationalization of the staff in the School. According to the petitioner, no notice of any kind was issued to it before issuing the impugned Proceedings nor any records were called for to assess as to whether there is any necessity of second Telugu Pandit post in the School or not. Therefore, the impugned Order was passed by the 3rd respondent unilaterally and in violation of principles of natural justice, apart from being contrary to the various Governmental Orders issued from time to time.

Though a detailed counter affidavit has been filed denying the allegations made by the petitioner and asserting that in view of the rationalization of the staff as per G.O.Ms.No.49, dated 26-2-1998 the impugned action was initiated, nowhere it is asserted that before transferring of one post of Telugu Pandit Grade II, any notice was issued to the petitioner. While admitting the Writ Petition, status quo was ordered to be maintained as on 29-7-1998. Learned counsel for the petitioner asserted that in view of the status quo orders, the second post of Telugu Pandit Grade II is still with the petitioner-school.

For the aforesaid reasons, the impugned order is liable to be set aside and is accordingly, set aside, leaving liberty to the respondents to re-examine, if necessary, as to the transfer of the second post of

Telugu Pandit Grade II to any other School, as on today, after putting the petitioner on notice and hearing all the concerned parties in this regard.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

19-9-2007

prk